United Nations A/71/232

General Assembly

Distr.: General
9 September 2016

Original: English

Seventy-first session

Request for the inclusion of an additional item in the agenda of the seventy-first session

Observer status for the International Chamber of Commerce in the General Assembly

Letter dated 9 September 2016 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the seventy-first session of an additional item entitled "Observer status for the International Chamber of Commerce in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (see annex I) is attached in support of the aforementioned request, as is a draft resolution (see annex II).

I have the honour to request that the present letter and its annexes be circulated as a document of the General Assembly.

(*Signed*) François **Delattre**
Permanent Representative of France to the United Nations

16-15776 (E) 130916

Please recycle

Annex I

Explanatory memorandum

Historical background

The International Chamber of Commerce was founded in 1919 in the aftermath of the First World War by a group of industrialists, financiers and traders who called themselves "the merchants of peace". The first president of the International Chamber of Commerce, Etienne Clementel, a former French minister of commerce, created the international secretariat in Paris. From the very beginning, the International Chamber of Commerce spoke out on behalf of business in making representations to Governments and intergovernmental organizations. During the 1920s and 1930s, the International Chamber of Commerce took part in most economic conferences convened by the League of Nations, where it had been accredited since 1920. By early 1922, the secretariat of the Economic Section of the League began consulting with the International Chamber of Commerce as the representative of business.

During the aftermath of the Second World War, the International Chamber of Commerce once again recognized the importance and need for an intergovernmental body and fully supported the development of the United Nations. In 1946 a year after the creation of the United Nations, the International Chamber of Commerce was granted general consultative status with the Economic and Social Council.

The conviction that trade is a powerful force for peace dates from the beginning of the International Chamber of Commerce, whose fundamental mission is to promote an open international trade and investment system and foster the economic growth of developed and developing countries alike, particularly with a view to better integrating all countries into the world economy.

Today, the International Chamber of Commerce is a world business organization and representative body that speaks with authority on behalf of enterprises from all sectors in every region of the world. It groups tens of thousands of member companies and associations from over 120 countries.

The three main activities of the International Chamber of Commerce are rules-setting, policy advocacy and arbitration. Because its member companies and associations are engaged in international business, the International Chamber of Commerce has unrivalled authority in making rules that govern the conduct of business across borders. Although such rules are voluntary, they are observed in thousands of transactions every day and have become part of the fabric of international trade and commerce. The International Chamber of Commerce also provides essential services to business, foremost among them the International Chamber of Commerce International Court of Arbitration, the world's leading arbitral institution for business disputes. Another service is the World Chambers Federation, the worldwide network of chambers of commerce of the International Chamber of Commerce, fostering interaction and exchange of chamber best practices worldwide. Through that network, thousands of companies in developing regions have access to a global platform.

Business leaders and experts drawn from the International Chamber of Commerce membership establish the business stance on broad issues of trade and investment policy and on vital global issues. Many of those issues are fundamental

to the United Nations development agenda. They include trade and investment policy; trade finance; financial regulation; anti-corruption; intellectual property; technology transfer; information and communications technology; the environment, green growth and access to energy; and commercial law and marketing ethics. Such policy positions are presented at global venues, including the United Nations, the Group of Eight and, most recently, the Group of Twenty.

While the International Chamber of Commerce has been actively involved with the United Nations since its foundation, it has in the past 10 years been increasingly engaged as an active partner in helping the United Nations to achieve its goals as a complement to Government action.

Membership and structure

The International Chamber of Commerce is structured like the United Nations and other intergovernmental organizations. Its World Council is equivalent to the General Assembly of the United Nations and its Paris headquarters provides a permanent international secretariat that supports and offers expertise in the formation and execution of policy to its national committees in over 90 countries.

National committees

The International Chamber of Commerce represents the private sector in 120 countries. In 90 nations (43 from developing countries and 9 from newly industrialized countries), members have established formal International Chamber of Commerce national committees that act as the permanent liaison between the international headquarters and International Chamber of Commerce members in their respective jurisdictions. National committees promote the adoption and implementation of International Chamber of Commerce policies to Government authorities, administrative agencies and other institutions. They strive to promote application of the rules, codes, uniform commercial usages and practices established by the International Chamber of Commerce. In addition to providing services and information responsive to the needs of International Chamber of Commerce members and the business community in their countries, national committees work to mobilize, formulate and advocate business views and inform the International Chamber of Commerce headquarters on important issues and views affecting local business communities. In some 40 countries where there is no national committee, companies and organizations such as chambers of commerce and professional associations have joined as direct members. National committees make sure that the International Chamber of Commerce takes account of their national business concerns in its policy recommendations to Governments and international organizations.

International secretariat

The international secretariat, based in Paris, is the operational arm of the International Chamber of Commerce. It develops and carries out the International Chamber of Commerce work programme delivering business views to governmental and intergovernmental organizations on issues that directly affect the private sector worldwide. The international secretariat is chaired by the Secretary General, who is elected by the World Council.

World Council

Similar to the General Assembly of the United Nations, the International Chamber of Commerce supreme governing body is the World Council, consisting of representatives of all national committees. The World Council, which convenes every year at the annual general meeting of the International Chamber of Commerce, ensures the implementation of the provisions of the International Chamber of Commerce constitution and charter, and exercises all the prerogatives with which it is vested. The decisions of the World Council are taken by majority of the votes cast by the delegations and proxies. The World Council elects the highest officers of the International Chamber of Commerce, including the Chair and Vice-Chair, each of whom serves a two-year term. The Chair, Vice-Chair and Honorary Chair (the most recent former Chair) provide the organization with high-level business leadership.

Executive Board

Strategic direction for the International Chamber of Commerce is provided by its Executive Board, consisting of 27 high-level business leaders. Members of the Executive Board are elected by the World Council. Meeting four times a year, the Executive Board oversees the establishment of the strategic priorities of the International Chamber of Commerce and the implementation of its policies. In its June 2012 meeting, the International Chamber of Commerce was able to secure representation from Brazil, China, India, the Russian Federation and South Africa.

Relations with United Nations departments, offices, programmes, funds and agencies

In 1946, the International Chamber of Commerce was granted general consultative status with the Economic and Social Council. Over its long history, the International Chamber of Commerce has steadfastly supported the mission and goals of the United Nations. Today, the International Chamber of Commerce maintains a permanent United Nations liaison office in New York to ensure more effective consultation.

As evidence of the strengthening of private sector involvement with the United Nations, the General Assembly has adopted six resolutions since 2000 entitled "Towards global partnerships" which recognize stakeholder contributions, particularly the private sector (resolutions 64/223, 62/211, 60/215, 58/129, 56/76 and 55/215). To help inform the Assembly debate on partnerships, the Secretary-General has submitted his reports on "Enhanced cooperation between the United Nations and relevant partners, in particular the private sector" every two years since 2000, which describe the current and system-wide efforts to advance private sector cooperation in achieving United Nations goals.

Much of the work of the United Nations is relevant to the private sector, including promoting peace and security; providing norms and standards in such diverse areas as trade laws, shipping, aviation, telecommunication, postal services and statistics; and addressing issues of vulnerability, poverty, environmental degradation and social conflict. Moreover, the private sector is increasingly recognized by Member States as a dynamic element in innovation and economic growth. All of this is seen as helping provide a stable and favourable framework for business and development. Throughout its long and enduring relationship, the

International Chamber of Commerce, through its national committees and 14 policy commissions, has worked with the United Nations departments, offices, agencies, programmes and funds described below.

Support of the International Chamber of Commerce for the work of the United Nations in the areas of sustainable development, the environment, energy and climate change

Through its Environment and Energy Commission, the International Chamber of Commerce serves as the focal point for business related to the United Nations Framework Convention on Climate Change and at sessions of the Commission on Sustainable Development. As head of the business and industry delegation, the International Chamber of Commerce prepares and coordinates group interventions at intergovernmental meetings and represents the delegation at multi-stakeholder dialogues organized by the United Nations Environment Programme and the Department of Economic and Social Affairs of the Secretariat. In the lead-up to the United Nations Conference on Sustainable Development (Rio+20), the International Chamber of Commerce partnered with the World Business Council for Sustainable Development, and the Global Compact, to convene Business Action for Sustainable Development, the official United Nations coordinator of business and industry, whose role was to ensure that the voice of business was heard at the Conference and during the preparatory process. The ultimate objective of Business Action for Sustainable Development was to strengthen the overall contribution of Rio+20 to sustainable and inclusive markets and to promote joint action between such stakeholders as business, Governments, civil society and consumers towards green growth.

Support of the International Chamber of Commerce for the work of the United Nations in the area of information and communications technology

The International Chamber of Commerce, through its Commission on E-Business, Information Technology and Telecoms, coordinated business input to the United Nations World Summit on the Information Society in 2003, organized by the International Telecommunication Union. In 2006, the International Chamber of Commerce created the Business Action to Support the Information Society initiative to raise awareness among the public, Governments, civil society, intergovernmental organizations and the technical community on how business is contributing to the further development of the information society. The International Chamber of Commerce and members of the initiative actively engage in events of the Internet Governance Forum, open consultations and preparations. They also submit written contributions each year to the Commission on Science and Technology for Development and participate actively in sessions of the Commission as an observer. The International Chamber of Commerce members, Secretaries General, secretariat staff and permanent representative to the United Nations in New York have been part of the United Nations Global Alliance for Information and Communications Technology and Development since its inception, serving in the steering and strategy committees and providing access to the International Chamber of Commerce worldwide network of business experts.

Support of the International Chamber of Commerce for Global Compact

In 1999, the International Chamber of Commerce welcomed the launch by the Secretary-General of the Global Compact in Davos, Switzerland, and pledged to assist in its implementation. Today, the International Chamber of Commerce acts as a collective voice of global business in the Global Compact. Following the adoption of the Global Compact Governance Framework in 2005, the Secretary General of the International Chamber of Commerce was appointed to the Global Compact Board and regularly participates personally in Board meetings. The International Chamber of Commerce has also strengthened its working relationship with the Global Compact Office in the vital areas of anti-corruption and environment.

Support of the International Chamber of Commerce for the work of the United Nations in the area of financing for development

The International Chamber of Commerce plays an active role in engaging the business sector in the financing for development process. Its Permanent Representative to the United Nations serves as Chair of the Business Sector Steering Committee, which led a delegation of over 200 business leaders to the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, held in Doha in November 2008. The Steering Committee also organized a major pre-conference event, the Second International Business Forum, whose theme was on private sector resource mobilization for financial stability and development and whose outcome reaffirmed private sector commitments.

Support of the International Chamber of Commerce for the work of the United Nations on least developed countries

The International Chamber of Commerce was actively involved in the Fourth United Nations Conference on the Least Developed Countries, held in Istanbul, Turkey, from 9 to 13 May 2011 and organized by the Office of the United Nations High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. The Permanent Representative of the International Chamber of Commerce to the United Nations was appointed by Under-Secretary-General Cheick Sidi Diarra as a member of the Private Sector Steering Committee and Chair of the Global Business Partnership Forum Subcommittee to lead the organization of over 30 private sector side events throughout the course of the Conference. In total, more than 500 business leaders participated to elevate the role of private sector investment and mobilize business engagement towards development objectives. The International Chamber of Commerce Secretary General, Jean-Guy Carrier, addressed the Conference at its High-level Meeting on Investment and Partnerships. He underscored the potential benefits to least developed countries of increasing trade liberalization among developing countries and, in particular, of supporting access to trade finance. He also co-hosted the ninth session of the Investment Advisory Council with the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), Supachai Panitchpakdi. Established in 2001 by UNCTAD and the International Chamber of Commerce, the Council provides Government officials and business executives with a platform for discussing practical ways of attracting and benefiting from foreign direct investment. In the final statement delivered by the private sector, the Council recommended a commitment to growth and opportunity; the support of

entrepreneurship and private enterprise; the establishment of a conducive operating environment; the promotion of domestic markets and capital formation; investment in infrastructure, connectivity and workforce development; the encouragement of foreign investment; an increase in international trade; the enhancement of partnerships; and the participation of the international community. Finally, the outcome document of the fourth United Nations Conference on the Least Developed Countries stressed the significance of the private sector in helping least developed countries to graduate from that category. The International Chamber of Commerce continues to participate in follow-up meetings and activities.

Support of the International Chamber of Commerce for the work of the United Nations in the area of intellectual property

Members of the International Chamber of Commerce's Commission on Intellectual Property have a very close working relationship with the World Intellectual Property Organization (WIPO), attending all of its relevant meetings and providing input through submissions, oral interventions or meetings with Government delegates in Geneva in various WIPO processes. The International Chamber of Commerce is also very active with the Convention on Biological Diversity and is recognized by business as well as by the secretariat of the Convention and Government delegations as the unique coordinator for the business delegation in negotiations of the Convention on access and benefit-sharing for genetic resources.

Support of the International Chamber of Commerce for the work of the United Nations on human rights

The International Chamber of Commerce provides ongoing support to the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. Its support has materialized in numerous contributions to convey global business views on the efforts of the Special Representative to map out and define standards of corporate responsibility with regard to human rights. An example of such contributions is the paper prepared by the International Chamber of Commerce with the International Organization of Employers and the Business and Industry Advisory Committee of the Organization for Economic Cooperation and Development on the role of business in weak governance zones. In recent years, the Special Representative and members of his team have been regularly invited to address the International Chamber of Commerce working body on corporate responsibility issues. The International Chamber of Commerce also participates in multi-stakeholder consultations organized by the Office of the United Nations High Commissioner for Human Rights.

General Assembly

The International Chamber of Commerce has consistently attended and participated in high-level events scheduled in conjunction with the opening of the General Assembly. In 2010, the Chair of the International Chamber of Commerce addressed the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, and the International Chamber of Commerce has actively participated in all of the private sector forums.

Conclusion: reasons for seeking observer status for the International Chamber of Commerce

In recent decades, the world has grown increasingly interdependent. National Governments, even rich and powerful ones, are unable to deal single-handedly with pressing global, regional and national challenges, such as climate change, rapid urbanization and demographic transformation, the environment, food security, financial crises, increasing inequality and access to energy. Resolving such challenges lies with increased multilateral and multi-stakeholder cooperation in intergovernmental forums, such as the United Nations, to complement Government actions, identify synergies and achieve strategic and integrated solutions. The International Chamber of Commerce is encouraged by the role that the United Nations has assumed in providing a platform for the constructive engagement of business in such efforts and in facilitating universal dialogue among stakeholders to mobilize resources, deepen understanding and activate the necessary support measures to confront these complexities, particularly in developing countries. By virtue of its long history of authoritative involvement in international policymaking and its global reach, the International Chamber of Commerce is exceptionally positioned to represent world business at the General Assembly of the United Nations. Extensive consultation of its global membership lends the International Chamber of Commerce special authority and legitimacy to its views at the United Nations. While the main responsibility for crucial undertakings lies with Governments, addressing the aforementioned challenges requires a concerted effort by all actors in society working in partnership to maximize shared goals and benefits. Recent political and economic changes have fostered and intensified the search for collaborative arrangements. The business world is an important player in such new arrangements and is eager to form partnerships with Governments and academic and civil society organizations to leverage resources and benefits.

At the same time, the relationship of Governments with the private sector has become more important as the role of business in generating employment and wealth through trade, investment and finance for development has been increasingly recognized by States Members of the United Nations and other stakeholders. The private sector can bring key resources to the fore — knowledge, expertise, access and reach — that are often critical in order to advance United Nations goals. A robust private sector that delivers economic growth and wealth creation is essential for the achievement of the Millennium Development Goals. In order to capture and encourage the benefits of increased private sector investment, Governments are being encouraged to work more directly with business to identify investment impediments and remedies, to enhance Government capacity to create business-enabling environments and to develop small and medium-sized businesses. The Fourth United Nations Conference on Least Developed Countries adopted the Istanbul Programme of Action in which it stressed the importance of foreign investment and the private sector in lifting millions from poverty:

A dynamic, broadly based, well-functioning and socially responsible private sector is a valuable instrument for increasing investment and trade, employment and innovation, thereby generating economic growth and eradicating poverty and serving as an engine for industrialization and structural transformation. The private sector therefore is a key to sustained, inclusive and equitable economic growth and sustainable development in least developed countries.

Granting permanent observer status to the International Chamber of Commerce in the General Assembly will strengthen the relationship between the United Nations, its Member States and the global business community, and further enhance the existing inclusive models of cooperation.

The request of the International Chamber of Commerce to obtain observer status and represent business views at the General Assembly is part of its historic mission to foster peace and prosperity through world trade. The International Chamber of Commerce was founded to assume that role and did so admirably following two disastrous world wars. The General Assembly is a crucial focal point where the International Chamber of Commerce can mobilize its policymaking expertise from companies and business organizations of all sizes and in all regions of the world. By obtaining observer status at the General Assembly, the International Chamber of Commerce would gain significantly enhanced capacity to represent business views to the international community and to help shape the public discourse on the full range of global challenges. The International Chamber of Commerce is committed to further strengthening the relationship of the United Nations with the international private sector and the facilitation of its existing collaborative efforts towards global economic and social development.

Annex II

Draft resolution

Observer status for the International Chamber of Commerce

The General Assembly,

Wishing to promote cooperation between the United Nations and the International Chamber of Commerce,

1. *Decides* to invite the International Chamber of Commerce to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the action necessary to implement the present resolution.